

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

WRIT PETITION No. 21966 of 1994

Between:

1. Shaik Sofi Saheb
S/o.Nabi Saheb
R/o.Korrapolur Village,
Gadivemula Mandal
Kurnool dist.
2. Shaik Allabaksh
S/o.Nanne Saheb
R/o.Korrapolur Village,
Gadivemula Mandal
Kurnool dist.
3. Mabu Saheb
S/o.Nabi Saheb
R/o.Korrapolur Village,
Gadivemula Mandal
Kurnool dist.

..... PETITIONERS

AND

- 1 The State of A.P.
rep. by its Dist Collector
Kurnool.
- 2 The Special Deputy Collector (Land Acquisition)
S.R.B.C., Nandyal,
Kurnool Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to and emanating in the proceedings in Rc.No.A/495/89 dated 20-12-1992 of the Special Deputy Collector, Land Acquisition, Srisailam Right Branch Channel, Nandyal, peruse the same and quash the same by issuing an appropriate writ, order or direction more particularly one in the nature of Certiorari, and further direct the respondents to refer the matter to the Civil Court under Section 18 of the Land Acquisition Act, in respect of the acquisition of the lands of an extent of Ac.2.00 and Ac.2.70 Cents in S.No.422/2B and Ac.2.43 Cents in Survey.No.423/1 respectively belonging to the petitioners situated at Korrapolur Village, Gadivemula Mandal, Kurnool Dist, forthwith.

For the Petitioner :Mr. S.V.SUNDARARAJAN, Advocate.

For the Respondents : Govt. Pleader for Land Acquisition.

The Court Made the Following :

ORDER:

Petitioners' land situate within the limits of Korrapolur village of Gadivemula Mandal, Kurnool district, was acquired under the provisions of the Land Acquisition Act, 1894. The Special Deputy Collector (Land Acquisition), Srisailam Right Bank Canal, Nandyal, passed the award on 09-11-1992.

A reference was sought by the petitioners in respect of the land admeasuring Ac.4-70 cents in Sy.No.422/2B by application dated 01-12-1992, which was rejected by the Special Deputy Collector on the ground that the lands were assigned to the individuals on D-Form conditions and the same stand resumed and also the value of the land was fixed at Rs.11,000/- per acre and the amount was paid to them on 09-11-1992 further observing that as per G.O.Ms.No.428 Revenue (Assignment) Department dated 25-04-1992, the claimants are not entitled to compensation.

The grounds on which the Special Deputy Collector, (Land Acquisition), ordered rejection of reference are non-existent as

on today in view of the judgment of this Court in

THE LAND ACQUISITION OFFICER-CUM-R.A.O., HYDERABAD

Vs. M.PANDU AND OTHERS [\[1\]](#) and for that reason, the impugned order cannot be sustained. Consequently, the writ petition is allowed with direction to the respondents to re-consider the petitioners' application made under Section 18 of the Land Acquisition Act in accordance with law and then proceed to make reference thereof within a period of two months from the date of receipt of writ order from the Court.

That rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice
on this Thursday, the first day of July, Two thousand and four.

DEVINDER GUPTA, C.J.

01-07-2004

bsc

To

- 1 The District Collector
Kurnool.
- 2 The Special Deputy Collector (Land Acquisition)
S.R.B.C., Nandyal,
Kurnool Dist.
3. 2 CCs to Govt. Pleader for Land Acquisition, High Court
Buildings, Hyderabad.
4. 2 CD copies

*Form-NIC-OGS/WP{**CHP**}*

[\[1\]](#) 2004 (1) Decisions Today (AP) (L.B.) 25